



Docket No.: G0762.70006US01
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard C. Schlegel
Serial No.: 10/565,021
Confirmation No.: 9002
Filed: January 17, 2006
For: DIAGNOSIS AND TREATMENT OF CERVICAL CANCER
Examiner: Sean E. Aeder
Art Unit: 1642

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 6/6/07

Christine M. Colbert
Christine M. Colbert

REPLY TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the restriction requirement set forth in the Office Action mailed March 6, 2007. Applicant hereby elects, with traverse, Group 1, which includes at least claims 1-8, 17, and 60-72, for continued examination. Group 1 is set forth at page 2 of the action and is described as claims 1-8, 17 and 60-72. Claims 9-16 are not included in any of the nine groups set forth in the action and the undersigned believes that they should be considered to belong to Group 1. In the event that this is correct, Applicant elects an "expanded" Group 1, which includes claims 1-17 and 60-72. Clarification of the claims assigned to Group 1 is respectfully requested.

Applicant is also required to elect a single species of biomarkers (see page 4 of the action). However, the claims state that "the status of at least two biomarkers" is analyzed. The undersigned discussed this with Examiner Aeder, who agreed that two biomarkers should be

elected. Applicant elects beta-catenin and transferrin receptor as the two biomarkers. Claims 1, 4, 5, 17, 60, 63, 64 and 68-72 of Group 1 as set forth in the action and additionally claims 9, 13 and 14 of "expanded" Group 1 are believed to represent a grouping representative of the elected species. .


Applicant is requesting a two-month extension of time. A separate Petition for Extension of Time and the appropriate fee are being filed concurrently.

Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

Applicant believes that no further fee in addition to the appropriate extension of time fee is due with this Reply. However, if a fee is due, please charge Deposit Account No. 23/2825, from which the undersigned is authorized to draw, under Order No. G0762.70006US01.

Dated: June 6, 2007

Respectfully submitted,

By 
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